

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELBERT WILLIS,

Defendant.

CR 15–06–M–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 11, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).


Judge Lynch recommended this Court accept Delbert Willis’s guilty plea after Willis appeared before him pursuant to Federal Rule of Criminal Procedure

11, and entered a plea of guilty to: (1) conspiring with the intent to distribute, and to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) and 846 (Count I), 2252A(a)(5)(B) (Count I); (2) one count of distributing heroin in violation of 21 U.S.C. § 841(a)(1) (Count IV); and (3) one count of transporting a person with the intent to have the person engage in criminal sexual activity in violation of 18 U.S.C. § 2421 (Count X), all as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Counts II, III, V, IX, XI, XII, XIII, XIV, and XV of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 64), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Delbert Willis's motion to change plea (Doc. 30) is GRANTED and Delbert Willis is adjudged guilty as charged in Counts I, IV, and X of the Indictment.

DATED this 27th day of May, 2015.


Dana L. Christensen, Chief District Judge
United States District Court